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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARVIN R. WATTS,  
  
Defendant.

Case No. CR02-5813 FDB  
  
ORDER DENYING MOTION FOR  
RELIEF FROM JUDGMENT

This matter comes before the Court on motion of Defendant Marvin R. Watts for relief from judgment pursuant to Fed. R. Civ. P. 60(b)(5). The Court having reviewed the motion, response, and the record herein, is fully informed and hereby denies the motion for relief.

**Introduction and Background**

On December 12, 2002, Watts entered a conditional plea of guilty to the charge of being a felon in possession of ammunition. Watts’ conditional plea reserved his right to appeal this Court’s denial of his motion to suppress. On April 1, 2005, this Court sentenced Watts to 96 months’ imprisonment. Watts’ appealed to the Ninth Circuit challenging the denial of his motion to suppress. The Ninth Circuit entered a judgment affirming this Court’s order and Watts’

1 conviction.

2 Watts now has filed a motion in which he asks for relief under Federal Rule of  
3 Civil Procedure 60(b)(5) from his conviction. Although Watts' motion is difficult to  
4 decipher, the motion states that Watts "does not make any dispute to the facts in the above  
5 aforementioned criminal case and has accepted the same for value." Watts appears to claim,  
6 however, that, because he supposedly has submitted a "silver bond," he is entitled to "closure" of  
7 the case against him, pursuant to Federal Rule of Civil Procedure 60(b)(5).

8 **Fed. R. Civ. P. 60(b)(5)**


9 Rule 60(b)(5) provides that a court may "relieve a party . . . from a final judgment" if "the  
10 judgment has been satisfied, released, or discharged; . . . or applying it prospectively is no longer  
11 equitable." Fed. R. Civ. P. 60(b)(5). This is a rule of civil procedure whose primary concern is the  
12 payment of a money judgment entered against a defendant in a civil case. It has no application to  
13 criminal judgment of incarceration. Defendant is not entitled to make payment to satisfy his  
14 judgment.

15 ACCORDINGLY;

16 IT IS ORDERED:

17 Defendant Marvin Watts Motion for Relief from Judgment [Dkt. # 63] is **DENIED**.

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19 DATED this 1<sup>st</sup> day of September, 2009.

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24 FRANKLIN D. BURGESS  
25 UNITED STATES DISTRICT JUDGE  
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